

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:01CR98-P-D

JOHN E. ANDREWS,

DEFENDANT.

CONTINUANCE

This matter comes before the court upon Defendant's Motion for Continuance [11-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for October 17, 2005. Defense counsel avers that he has just been retained in this case and needs additional time to prepare an adequate defense for his client. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from October 17, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance [11-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, November 28, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from October 17, 2005 to November 28, 2005 is excluded as set out above;

- (4) The deadline for filing pretrial motions is November 7, 2005; and
- (5) The deadline for submitting a plea agreement is November 14, 2005.

SO ORDERED, this the 4th day of October, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE